

**DURHAM, NORTH CAROLINA
MONDAY, AUGUST 2, 2004
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Absent: None.

Also present: Assistant City Manager Sharon Laisure, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement. Also, the Mayor announced that City Manager Conner would be absent tonight due to personal illness in her family.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. Assistant City Manager Laisure requested that the public hearing be opened and continued on GBA #59 [Historic Landmark Designation – Former Liggett and Meyers Tobacco Company Complex – West]. Also, she requested that Consent Agenda #82 [Status of the Affordable Housing Bond Funds] and the letter asking that the City Council not approve annexations or utility extensions in the Arrowhead Neighborhood in western Durham County until the adoption of the draft Comprehensive Plan from the Chair of the Joint City/County Committee be referred to the August 5, 2004 City Council Work Session. Further, she stated National Night Out is scheduled for Tuesday, August 3, 2004.

MOTION by Council Member Catotti seconded by Council Member Stith to accept the City Manager's priority items was approved at 7:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

There were no priority items from the City Attorney and City Clerk.

Council Member Clement announced he attended the 100th Anniversary of the Big Brothers and Big Sisters organization on July 29th, commended Alice Sharpe, Economic Development staff and Channel 17 for their role in sponsoring the Bimbe Festival at Durham Central Park. Also, he thanked Edna Swan Clement and Pam Purefoy for spearheading the first annual National Black Wall Street Conference in Durham this weekend and commented on his attendance at the McClean-Lofton Family Reunion.

Mayor Pro Tempore Cole-McFadden congratulated the Hillside High School National Alumni Association on its 1st Annual Reunion and Roland Perry for his work with the youth in the community during an event at Union Baptist Church. Also, she requested that the following item be added to the August 5, 2004 City Council Work Session

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agenda: Resolution Expressing Council's Support for the Establishment of the Bringing America Home Act.

Council Member Best asked staff to provide an update on Murdoch Place at the August 5th Work Session. He recognized Matthew Flynn for comments.

Matthew Flynn, of Murdoch Place, expressed a concern that to-date he hasn't received a signed development agreement. He noted a letter of understanding has been prepared to serve as a development agreement and Marcia and Constance have failed to provide any reasons why a signature cannot be delivered. Also, he made comments on signing the document prior to the scheduled foreclosure that has been postponed on two separate occasions to accommodate the City of Durham. He asked for a quick resolution and signature on the prepared document to allow them to continue with their loan commitment to close and begin the renovation of Murdoch Place.

Interim Housing Director Constance Stancil briefed Council on this situation. She made comments on the two postponements, the issues surrounding Gordon Blackwell and BB&T, letter of understanding and outlined reasons why she was uncomfortable in moving forward until the City Manager, Assistant City Attorney Rosenthal along with her have reviewed the entire document. She noted she asked him to delay having the City Manager sign and just let her go ahead and write a letter indicating to the bank the City's terms that have been approved by the Council. Ms. Stancil stated the foreclosure has been postponed until August 28 and that BB&T just worked out an agreement with Gordon Blackwell last week and staff could not move forward before that in any case.

Mayor Bell noted there are other underlying matters that affect this project and he does not want the City to rush through on this item.

Mayor Bell showed a briefed clip of the TV One program that projects the African American community in a very positive image and asked others who are interested to speak to Time Warner encouraging them to try to bring this program onto the cable network at the Tier 1 level.

Council Member Stith requested a copy of the bill for Bringing America Home Act.

At the request of Council Member Stith, Assistant City Manager Ted Voorhees noted staff will provide information at the August 5G, 2004 City Council Work Session on whether MBC is a part of Tier 1 of the Time Warner Cable lineup.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items # 21, 29, 43, 44, 49, 77 and 81 were pulled.

MOTION by Council Member Stith seconded by Council Member Catotti to approve the Consent Agenda as amended was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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[CONSENT AGENDA]

**SUBJECT: TRANSMITTAL OF AUDIT SERVICES OVERSIGHT
COMMITTEE REPORTS, APPROVED AT THEIR JUNE 28, 2004
MEETING**

MOTION by Council Member Stith seconded by Council Member Catotti to receive and accept the Audit Services Oversight Committee Reports approved at their June 28, 2004 meeting was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

- Non-City Agency Program Specific Compliance Evaluations (June 2004)
- Post Employment Insurance Premiums Financial Audit (June 2004)

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS RECEIVED BY APRIL
1, 2004**

MOTION by Council Member Stith seconded by Council Member Catotti to adopt resolutions scheduling public hearings for Monday, August 16, 2004 to hear citizen comments concerning voluntary petitions for the following properties to be annexed with a recommended effective date of December 31, 2004 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

- a) Woodlands Preserve at Snow Hill (FY2004-01)
- b) Technology Park North (FY2002-05)
- c) Daniel Tract (FY2004-09)

Resolution #9136

Resolution #9137

Resolution #9138

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Council Member Stith seconded by Council Member Catotti to approve the City Council minutes for the following meetings; and

- May 26, 2004 - Special Meeting
- June 7, 2004 - Regular Meeting
- June 21, 2004 - Regular Meeting
- June 22, 2004 - Special Meeting

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To approve City Council action taken at the May 20, 2004 and June 10, 2004 City Council Work Sessions was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION –
RECEIPT AND ACCEPTANCE OF AN APPLICATION**

MOTION by Council Member Stith seconded by Council Member Catotti to receive and accept an application for a citizen to fill one (1) vacancy representing At-Large on the Durham Open Space & Trails Commission with a term to expire on June 30, 2005 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: HUMAN RELATIONS COMMISSION - APPOINTMENTS

MOTION by Council Member Stith seconded by Council Member Catotti to reappoint Shannon McCabe (Non-Minority Female) and Brenda Howerton (Minority Female) and to appoint Edith Richele James (Minority Female) and Dan G. Smith (Non-Minority Male) to the Human Relations Commission--terms will expire June 30, 2007 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: HUMAN RELATIONS COMMISSION – RECEIPT AND
ACCEPTANCE OF APPLICATIONS**

MOTION by Council Member Stith seconded by Council Member Catotti to receive and accept applications for a citizen to fill one (1) vacancy for a Non-Minority Male on the Human Relations Commission with a term to expire on June 30, 2006 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM CIVIC CENTER AUTHORITY – RECEIPT AND
ACCEPTANCE OF AN APPLICATION**

MOTION by Council Member Stith seconded by Council Member Catotti to receive and accept an application for a citizen to fill one (1) vacancy on the Durham Civic Center Authority with a term to expire on July 31, 2007 was approved at 7:44 p.m. by the

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following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: LYON PARK ADVISORY BOARD - APPOINTMENTS

MOTION by Council Member Stith seconded by Council Member Catotti to reappoint Clarissa L. Grady (representing Lyon Park) and Victoria Joyce Maulsby (representing Burch Avenue) to the Lyon Park Advisory Board with terms to expire on June 30, 2005 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: CONTRACTS

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute contracts on the list; and

To authorize the City Manager to make changes to the contracts on the list before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Contractor	Contract Description	Dept	CT Amount
Krista Phillips	Water Safety Instructor	P&R	\$ 1,000.00
Leigh Brown	Pilates Instructor	P&R	\$ 650.00
Sheila Kendrick	Water Exercise Instructor	P&R	\$ 2,000.00
Kendy Madden	Water Exercise Instructor	P&R	\$ 2,500.00
Brenda Thompson	Water Exercise Instructor	P&R	\$ 1,500.00
Andre Webb	Official	P&R	\$ 3,000.00
Mary Beth Boxler	Water Safety Instructor	P&R	\$ 1,500.00
Keith Nesbit	Official	P&R	\$ 3,000.00
Ben Weber	Lifeguard Instructor	P&R	\$ 1,500.00
Leslie Sparks	Soccer Official	P&R	\$ 2,500.00
Grant Underhill	Soccer Official	P&R	\$ 2,500.00
Timothy Jackson	Soccer Official	P&R	\$ 2,500.00
Olgierd Pucilowski	Soccer Official	P&R	\$ 2,500.00
David Everly	Soccer Official	P&R	\$ 2,500.00
Chez Bay Cooking School	SPICE Program	P&R	\$ 3,500.00
Stuart Krall	Soccer Official	P&R	\$ 2,500.00
Roy Williams	Baseball Umpire	P&R	\$ 2,800.00

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Szymon Pucilowski	Soccer Official	P&R	\$ 2,500.00
Joseph Daye Jr	Softball Umpire	P&R	\$ 2,800.00
Jose Mendoza	Soccer Official	P&R	\$ 2,500.00
Craig Wolfe	Soccer Official	P&R	\$ 2,500.00
Don Aikins	Tennis Instructor	P&R	\$ 1,500.00
Isaiah Lincoln	Soccer Official	P&R	\$ 2,500.00
James Hawley	Softball Umpire	P&R	\$ 2,800.00
Anthony Robinson	Baseball Umpire	P&R	\$ 2,800.00
Gerald Haskins	Baseball Umpire	P&R	\$ 2,800.00
Joseph Polcaro	Soccer Official	P&R	\$ 4,000.00
Wilbur Blake Jr	Soccer Official	P&R	\$ 2,500.00
Aldo Elmehrath	Soccer Official	P&R	\$ 2,500.00
Thomas Satterwhite	Baseball Umpire	P&R	\$ 1,500.00
Christopher Hux	Baseball Umpire	P&R	\$ 3,000.00
Bernard Greene	Softball Umpire	P&R	\$ 2,800.00
Joseph Peel	Soccer Official	P&R	\$ 2,500.00
Vaughn Reynolds	Soccer Official	P&R	\$ 2,500.00
Krista Reynolds	Soccer Official	P&R	\$ 2,500.00
Emmanuel Love	Baseball Umpire	P&R	\$ 2,800.00
Tonya Daye	Baseball Umpire	P&R	\$ 2,800.00
Robert Wynn	Baseball Umpire	P&R	\$ 2,800.00
Timothy Pittman	Baseball Umpire	P&R	\$ 2,800.00
Van Clark Jr	Baseball Umpire	P&R	\$ 2,800.00
Athan Marshall	Official	P&R	\$ 800.00
Donna May	DAP Maintenance	P&R	\$ 3,500.00
Jesse Brown	Softball Umpire	P&R	\$ 2,800.00
A+ Delivery Service	Contract Extension	Planning	\$ 15,000.00
Printrak International	Maintenance of AFIS Machine	Police	\$ 22,472.00
John's Inc.	Contract extension- Towing of City Vehicles	Finance	\$ 26,862.00
Fairway (A Division of Morris Communications Corp.)	Poster Displays-Project Safe Neighborhood	Police	\$ 5,535.00
James Yourse	Music for Bimbe	OEED	\$ 825.00
Double Edge	Music for Bimbe	OEED	\$ 400.00
The Mighty Gospel Inspirations	Music for Bimbe	OEED	\$ 225.00
The Hearlobe Experience	Music for Uptown Downtown	OEED	\$ 5,600.00
James Branch	Music for Bimbe	OEED	\$ 1,675.00
Johnny White & The Elite Band	Music for Bimbe	OEED	\$ 1,400.00
Andrew McKee	Music for Main St Fair	OEED	\$ 580.00
Jah Daniel	Music for Bimbe	OEED	\$ 825.00
Marvin Jones	Music for Bimbe	OEED	250.00
Bernard Harris	Music for Bimbe	OEED	1,100.00
Adonnica Rowland	Administrative Service for Bimbe	OEED	500.00

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Durham Cinematheque	Production of Film Series	OEED	650.00
Bobb Tapp	Culture Crawl Entertainment	OEED	300.00
Andrew McKee	Music for Main Street Fair	OEED	1,650.00
Andrew McKee	Music for Hot Night Cool Jazz	OEED	750.00
Durham Central Park	Production Assistance	OEED	7,500.00
SoftwareHouse International	Software for State Contract	TS	N/A
C. H. Engineering	On Call Service Fire Station 16	Gen Ser	\$ 10,000.00

Note: Bimbe contracts were approved at the 7/22/04 Work Session with a vote of 7/0.

SUBJECT: BID REPORT - MAY 2004

MOTION by Council Member Stith seconded by Council Member Catotti to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of May 2004 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

CITY OF DURHAM NORTH CAROLINA

July 15, 2004

MEMO TO: Marcia L. Conner, City Manager

THROUGH: Kenneth C. Pennoyer, Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of **May 2004**.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid: Repairs to the Skylights at the Durham Civic Center**

Purpose of Bid:

Comments:

Opened: May 6, 2003

Bidders:	Exterior Diagnostic Services	* \$13,000.00
	Apex, NC	
	Western Waterproofing Company	\$20,000.00
	Charlotte, NC	

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*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	7		# Black Males	0	0%
Total # Females	0	0%	# White Males	2	29%
Total # Males	7	100%	# Other Males	5	71%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

2. **Bid:** **Engine Repairs to City Vehicle #64320, 1989 Grumman Aerial Fire Truck**

Purpose of Bid:

Comments: Due to the nature of the engine failure, it was necessary to completely disassemble the engine to provide a price quote and therefore other price quotes were not obtained.

Opened: April 29, 2004

Bidders:	Carolina Diesel Repair Climax, NC	* \$10,128.07
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*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	2		# Black Males	0	0%
Total # Females	0	0%	# White Males	2	100%
Total # Males	2	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

3. **Bid:** **Security System for the Lyon Park Community and Family Life Center**

Purpose of Bid:

Comments: ABV Security Systems is the sole source for a security system compatible with the other systems in place at other City facilities.

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Opened: May 7, 2004

Bidders: ABV Security Systems * \$19,769.50
Apex, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	32		# Black Males	0	0%
Total # Females	3	9%	# White Males	16	50%
Total # Males	29	91%	# Other Males	13	41%
			# Black Females	0	0%
			# White Females	3	9%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

4. **Bid:** **Police Field Incident Reporting Licenses Maintenance**

Purpose of Bid: To purchase additional licenses for Police field incident reporting

Comments: Sungard H.T.E. is a sole source

Opened: N/A

Bidders: Sungard H.T.E. *\$11,220.00
Charlotte, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	438		# Black Males	16	04%
Total # Females	203	46%	# White Males	186	42%
Total # Males	235	54%	# Other Males	33	08%
			# Black Females	10	02%
			# White Females	175	40%
			# Other Females	18	04%

The SDBE Data Base was used in the solicitation of bids for this item.

5. **Bid:** **Traffic Signals**

Purpose of Bid: To provide the Signal Division with Traffic Signals

Comments: Bids were solicited from several bidders and only one response was received.

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Opened: May 13, 2004

Bidders: Walker Brothers, Inc. * \$10,410.00
Lexington, SC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	25		# Black Males	3	12%
Total # Females	3	12%	# White Males	14	56%
Total # Males	22	88%	# Other Males	5	20%
			# Black Females	0	0%
			# White Females	3	12%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

6. Bid: 12' U-Channel Posts

Purpose of Bid: To supply the Public Works Department with sign posts.

Comments: 1,000 U channel posts @ \$13.94

Opened: May 18, 2004

Bidders:	Vulcan Signs	* \$13,940.00
	Foley, AL	
	Newman Signs, Inc.	\$16,170.00
	Jamestown, ND	
	Stonehouse Signs, Inc.	\$19,790.00
	Arvada, CO	
	Hall Signs, Inc.	\$19,980.00
	Bloomington, IN	
	Sign-A-Rama	\$25,400.00
	Durham, NC	

*Awarded based on: ☒ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	138		# Black Males	28	20%
Total # Females	27	20%	# White Males	79	57%
Total # Males	111	80%	# Other Males	4	3%
			# Black Females	4	3%
			# White Females	22	16%
			# Other Females	1	1%

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The SDBE Data Base was used in the solicitation of bids for this item.

7. Bid: Reline a 24" RCP Storm Drain at the Williams WTP

Purpose of Bid:

Comments: Bids were solicited from five contractors and only one response was received.

Opened: May 19, 2004

Bidders: American Water Services, Inc. * \$44,172.00
Charlotte, NC

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	219		# Black Males	35	16%
Total # Females	24	11%	# White Males	113	52%
Total # Males	195	89%	# Other Males	47	21%
			# Black Females	0	0%
			# White Females	24	11%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

8. Bid: Rental of Four 15 Passenger Vans

Purpose of Bid: To provide the Parks & Recreation Department with vans for their summer programs.

Comments:

Opened: May 25, 2004

Bidders: Enterprise Rent-A-Car * \$12,404.22
Morrisville, NC
Triangle Rent-a-Car \$15,401.08
Durham
Elkins Chrysler-Plymouth \$17,323.68
Durham, NC

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	180		# Black Males	28	16%
Total # Females	63	34%	# White Males	84	47%

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Total # Males	117	66%	# Other Males	5	3%
			# Black Females	13	7%
			# White Females	48	26%
			# Other Females	2	1%

The SDBE Data Base was used in the solicitation of bids for this item.

9. **Bid:** **Repair the Roof on the Sludge Storage Building at the Williams Water Treatment Plant**

Purpose of Bid:

Comments:

Opened: May 24, 2004

Bidders:	CFE, Inc.	* \$49,617.00
	Apex, NC	
	Baker Roofing Company	\$56,739.00
	Raleigh, NC	
	Guaranteed Systems, Inc.	\$63,395.00
	Stoneville, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	42		# Black Males	4	9%
Total # Females	2	5%	# White Males	16	38%
Total # Males	40	95%	# Other Males	20	48%
			# Black Females	0	0%
			# White Females	2	5%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

10. **Bid:** **Contract Extension – Estimated Annual Requirements for Hydrofluosilicic Acid (200 tons)**

Purpose of Bid: HFS is the final chemical added to the drinking water for the prevention of tooth decay.

Comments: Lucier Chemical Industries, dba LCI, Ltd., has agreed to extend the contract an additional year with no price increase.

Opened: June 6, 2002

Bidders:	Lucier Chemical Industries, dba LCI, Ltd	*\$28,416.00
	Jacksonville Beach, FL	\$142.08/ton

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*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	15		# Black Males	0	0%
Total # Females	8	53%	# White Males	6	40%
Total # Males	7	47%	# Other Males	1	07%
			# Black Females	0	0%
			# White Females	8	53%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

JWC:lm

SUBJECT: BID REPORT - JUNE 2004

MOTION by Council Member Stith seconded by Council Member Catotti to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of June 2004 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

CITY OF DURHAM NORTH CAROLINA

July 15, 2004

MEMO TO: Marcia L. Conner, City Manager

THROUGH: Kenneth C. Pennoyer, Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of **June 2004**.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid:** **Three (3) 12 ton contractor type trailers**

Purpose of Bid: To provide the Public Works Department with equipment trailers

Comments: Three trailers @ \$9,773.24

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Opened: June 7, 2004

Bidders:	Hopson Equipment Company Durham, NC	* \$29,319.72
	Revels Tractor Company Fuquay-Varina, NC	\$31,950.00
	Triangle Equipment Company Raleigh, NC	\$31,980.00
	United Rentals Durham, NC	\$32,022.00
	A. E. Finley & Associates Raleigh, NC	\$32,055.00

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	1		# Black Males	0	0%
Total # Females	0	0%	# White Males	1	100%
Total # Males	1	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

2. Bid: Lawn Mowers

Purpose of Bid: To provide the Roadway Appearance Division with lawn mowers

Comments: Three (3) mowers @ \$6,741.67

Opened: June 7, 2004

Bidders:	Aldridge Durham Saw & Mower Durham, NC	* \$20,225.00
	Barnhill Equipment Company Durham, NC	\$20,800.00

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	8		# Black Males	0	0%
Total # Females	1	15%	# White Males	6	70%
Total # Males	7	85%	# Other Males	1	15%
			# Black Females	0	0%
			# White Females	1	15%

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Other Females 0 0%

The SDBE Data Base was used in the solicitation of bids for this item.

3. Bid: Contract for Volvo/Autocar Truck Parts

Purpose of Bid: To enter into a two-year firm price agreement for Volvo/Autocar Truck Parts

Comments: Central Carolina Trucks, Inc., is the sole regional source for Volvo/Autocar Truck Parts brand parts, sales, and service

Opened: June 15, 2004

Bidders: Central Carolina Trucks, Inc. * \$36,000.00
Kernersville, NC

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	64		# Black Males	5	7%
Total # Females	12	19%	# White Males	45	70%
Total # Males	52	81%	# Other Males	1	2%
			# Black Females	1	2%
			# White Females	11	17%
			# Other Females	1	2%

The SDBE Data Base was used in the solicitation of bids for this item.

4. Bid: Contract for Leach Refuse Equipment Parts

Purpose of Bid: To enter into a two-year firm price agreement for Leach brand Refuse Equipment Parts

Comments: Public Works Equipment and Supply, Inc. is the sole regional source for Leach brand Refuse Equipment Parts

Opened: June 15, 2004

Bidders: Public Works Equipment and Supply, Inc. * \$95,000.00
Monroe, NC

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	13		# Black Males	0	0%
Total # Females	2	15%	# White Males	11	85%

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Total # Males	11	85%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	15%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

5. Bid: Contract for LoDal Refuse Equipment Parts

Purpose of Bid: To enter into a two-year firm price agreement for LoDal brand Refuse Equipment Parts

Comments: LoDal-South, Inc., is the sole regional source for LoDal brand Refuse Equipment Parts Equipment parts, sales, and service

Opened: June 15, 2004

Bidders: LoDal-South, Inc. * \$60,000.00
Rockingham, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	9		# Black Males	0	0%
Total # Females	3	33%	# White Males	6	67%
Total # Males	6	67%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	3	33%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

6. Bid: Contract for Heil Refuse Equipment Parts

Purpose of Bid: To enter into a two-year firm price agreement for Heil brand Refuse Equipment Parts

Comments: Carolina Environmental Systems is the sole regional source for Heil brand Refuse Equipment Parts

Opened: June 15, 2004

Bidders: Carolina Environmental Systems *\$75,000.00
Kernersville, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS

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CORPORATION STATISTICS

Total Workforce	12		# Black Males	0	0%
Total # Females	2	17%	# White Males	10	83%
Total # Males	10	83%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	17%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

7. Bid: Contract for Oshkosh Truck Equipment Parts

Purpose of Bid: To enter into a two-year firm price agreement for Oshkosh brand Truck Equipment Parts

Comments: The Oshkosh Truck Corporation is the sole regional source for Oshkosh brand Truck Equipment Parts

Opened: June 15, 2004

Bidders: Oshkosh Truck Corporation * \$25,000.00
East Granby, CT

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	431		# Black Males	8	02%
Total # Females	62	14%	# White Males	350	81%
Total # Males	369	86%	# Other Males	11	03%
			# Black Females	5	01%
			# White Females	54	13%
			# Other Females	3	01%

The SDBE Data Base was used in the solicitation of bids for this item.

8. Bid: Two (2) EMU Submersible Mixers

Purpose of Bid: To purchase Submersible Mixers for the South Durham WRF @ \$6,957.00

Comments: Bids were solicited from several vendors and only one response was received.

Opened: June 11, 2004

Bidders: Mechanical Equipment Company * \$13,914.00
Matthews, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

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WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	34		# Black Males	0	0%
Total # Females	9	26%	# White Males	25	74%
Total # Males	25	74%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	9	26%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

9. Bid: Yaskawa Variable Frequency Drive

Purpose of Bid: To purchase a Variable Frequency AC Inverter for the SDWRF Influent Pump VFD

Comments:

Opened: June 16, 2004

Bidders:	Electrical Equipment Company	* \$14,554.00
	Raleigh, NC	
	EMCO, Inc.	\$15,025.00
	Greensboro, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	52		# Black Males	9	17%
Total # Females	14	27%	# White Males	28	54%
Total # Males	38	73%	# Other Males	1	2%
			# Black Females	1	2%
			# White Females	13	25%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

10. Bid: Aluminum Bus Wheels

Purpose of Bid: To provide DATA with extra bus wheels

Comments: 75 wheels @ \$276.00 each

Opened: June 16, 2004

Bidders:	Orcco International, Inc.	* \$20,700.00
	Grand Prairie, TX	

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Carolina Rim & Wheel Company	\$21,731.25
Charlotte, NC	
Phoenix USA, Inc.	\$28,312.50
Cookeville, TN	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	18		# Black Males	6	33%
Total # Females	3	17%	# White Males	9	50%
Total # Males	15	83%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	3	17%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

11. Bid: Term contract for Ford OEM Parts

Purpose of Bid: To enter into a one-year firm price agreement for Ford OEM Parts

Comments: The estimated value of this contract is \$95,000.00

Opened: June 15, 2004

Bidders:	University Ford, Inc.	* Cost + 10%
	Durham, NC	
	Crossroads Ford, Inc.	Cost + 12%
	Cary, NC	
	Morehead City Ford	Cost + 25%
	Morehead City, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	198		# Black Males	23	12%
Total # Females	30	15%	# White Males	137	69%
Total # Males	168	85%	# Other Males	8	4%
			# Black Females	3	2%
			# White Females	27	13%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

12. Bid: Contract for Chevrolet/GM OEM Parts

August 2, 2004

Purpose of Bid: To enter into a two-year firm price agreement for Chevrolet/GM OEM Parts

Comments: Bids were solicited from several Chevrolet dealers and only one response was received. Rick Hendrick Chevrolet is the only Chevrolet dealership in Durham County.

Opened: June 15, 2004

Bidders: Rick Hendrick Chevrolet * \$89,000.00
Durham, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	107		# Black Males	19	18%
Total # Females	24	22%	# White Males	62	58%
Total # Males	83	78%	# Other Males	2	2%
			# Black Females	5	4%
			# White Females	18	17%
			# Other Females	1	1%

The SDBE Data Base was used in the solicitation of bids for this item.

13. Bid:Estimated Annual Requirements for Zinc Orthophosphate (65.8 tons)

Purpose of Bid: To establish a twelve months firm price contract for Zinc Orthophosphate Corrosion Inhibitor

Comments: This chemical is used in the water treatment process to help reduce corrosion control.

Opened: May 14, 2004

Bidders: CalciQuest *\$18,410.84
Belmont, NC (\$279,80/ton)
Brenntag Southeast \$46,718.00
Durham, NC (\$710.00/ton)

*Awarded based on: ☒ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	16		# Black Males	2	13%
Total # Females	4	25%	# White Males	9	56%
Total # Males	12	75%	# Other Males	1	06%
			# Black Females	1	06%
			# White Females	3	19%

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Other Females 0 00%

The SDBE Data Base was used in the solicitation of bids for this item.

14. Bid: Estimated Annual Requirements for Lubricants

Purpose of Bid: To provide City departments/divisions with their annual usage of lubricants (motor oil, anti-freeze, etc.)

Comments: Contract was previously awarded to Warren Oil Company. Warren Oil had difficulty fulfilling the requirements of the contract and has requested to be released from the contract obligations. Brenntag Southeast was the only other bidder.

Opened: January 29, 2004

Bidders: Warren Oil Company \$58,613.73
Dunn, NC
Brenntag Southeast *\$63,516.45
Durham, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	258		# Black Males	84	33%
Total # Females	65	25%	# White Males	105	41%
Total # Males	193	75%	# Other Males	4	01%
			# Black Females	6	02%
			# White Females	58	22%
			# Other Females	1	01%

The SDBE Data Base was used in the solicitation of bids for this item.

15. Bid: Term Contract for Parker Hose & Fittings

Purpose of Bid: To enter into a two-year firm price agreement for Parker brand hose & fittings

Comments: Bids were solicited from several vendors and only one response was received.

Opened: June 15, 2004

Bidders: Cross Hose & Fittings * \$60,000.00
Raleigh, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS

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CORPORATION STATISTICS

Total Workforce	194		# Black Males	5	3%
Total # Females	60	31%	# White Males	129	66%
Total # Males	134	69%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	59	30%
			# Other Females	1	1%

The SDBE Data Base was used in the solicitation of bids for this item.

16. Bid: Repair the grating in the pool gutters at the Rock Quarry Pool

Purpose of Bid:

Comments: Bids were solicited from several Pool contractors and only one response was received.

Opened: June 17, 2004

Bidders: Greenville Pool & Supply Company * \$14,600.00
Greenville, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	51		# Black Males	0	0%
Total # Females	14	27%	# White Males	21	41%
Total # Males	37	73%	# Other Males	16	32%
			# Black Females	1	1%
			# White Females	13	26%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

17. Bid: Estimated Annual Requirements for Tapping Sleeves and Valves

Purpose of Bid: To provide the Water and Sewer Maintenance division with their annual requirements for tapping sleeves and valves for water meter repair.

Comments:

Opened: June 21, 2004

Bidders: National Waterworks *\$25,408.93
Raleigh, NC
WinWater Works \$28,891.16
Raleigh, NC

August 2, 2004

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	16		# Black Males	03	(19%)
Total # Females	1	(06%)	# White Males	12	(75%)
Total # Males	15	(94%)	# Other Males	0	(0%)
			# Black Females	0	(0%)
			# White Females	01	(06%)
			# Other Females	0	(0%)

The SDBE Data Base was used in the solicitation of bids for this item.

18. Bid: Installation of Bus Shelters and Benches

Purpose of Bid: To establish a contract for the installation of 99 Bus Shelters and Benches

Comments: H. Richardson & Company made a pricing error on their bid and asked that it not be considered.

Installation cost will be \$852 per Bus Shelter (including bench)

Opened: June 23, 2004

Bidders:	H. Richardson & Company, Inc. (not a responsible bid)	\$27,225.00
	Durham, NC	
	Hairston Enterprise *	\$84,348.00
	Durham, NC	
	Tapco Maintenance & Services, Inc.	\$169,983.00
	Durham, NC	
	Hart Brothers Contracting, Inc.	\$207,900.00
	Durham, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	5		# Black Males	4	(80%)
Total # Females	1	(20%)	# White Males	0	(0%)
Total # Males	4	(80%)	# Other Males	0	(0%)
			# Black Females	1	(20%)
			# White Females	0	(0%)
			# Other Females	0	(0%)

The SDBE Data Base was used in the solicitation of bids for this item.

19. Bid: Contract for Motorola 800 MHz Radio Parts

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Purpose of Bid: To provide the Communications Maintenance division with a firm price contract for Motorola radio parts.

Comments: Motorola, Inc. is the sole source for Motorola 800 MHz Radio Parts.

Opened: June 24, 2004

Bidders: Motorola, Inc. * \$75,000.00
Raleigh, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	40,312		# Black Males	1,377	(3%)
Total # Females	11,000	(27%)	# White Males	20,357	(51%)
Total # Males	29,312	(73%)	# Other Males	7,578	(19%)
			# Black Females	929	(2%)
			# White Females	6,859	(17%)
			# Other Females	3,212	(8%)

The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

JWC:lm

**SUBJECT: BIDS - MULTI-YEAR TERM CONTRACT FOR GASOLINE -
PETROLEUM TRADERS CORPORATION**

MOTION by Council Member Stith seconded by Council Member Catotti to accept the bid from Petroleum Traders Corporation in the estimated amount of \$2,010,000 for furnishing the City with its Estimated Multi-Year Requirements for Gasoline; and

To authorize the City Manager to enter into a contract Petroleum Traders Corporation in the estimated amount of \$2,010,000 for furnishing the City with its Estimated Multi-Year Requirements for Gasoline; and

To authorize the City Manager to modify the contract extension before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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**SUBJECT: MAJOR SITE PLAN – ROXBORO ROAD PROFESSIONAL PARK
(D04-171)**

To approve a site plan for “Roxboro Road Professional Park”, submitted by the John R. McAdams Company on behalf of Roxboro Road Office Partners, LLC, for two one-story office buildings totaling 17,000 square feet with 122 parking spaces on a 2.9 acre site zoned OI-2 and F/J-B, located on the east side of N. Roxboro Road and north of Pacific Avenue, PIN 0823-12-86-6593, City Atlas Page 12, Block D-1.

Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0.

**SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT – TREYBURN
FOREST PHASE 1 (D03-420)**

To approve a major site plan and preliminary plat for 47 single family lots on a 56.17 acre site zoned PDR 2.24 and M/LR-A and F/J-B, located north of a proposed extension of Vintage Hill Parkway and west of Snowhill Drive, adjacent to the Little River Reservoir and will be accessed via Vintage Hill Parkway and Snowhill Drive. PIN 0835-02-69-3258, 0835-02-78-0302, 0835-01-39-4090 (part), City Atlas page 3, blocks C-2 and D-2.

Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0.

**SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT “GLENNSTONE
PHASE III”- CASE D04-069**

To approve a major site plan and preliminary plat for “Glennstone”; submitted by R.L. Horvath Associates Inc., on behalf of Cimland, LLC, for Phase III (125 lots) of a 203 single family cluster development on a 160.116 acre site zoned R-10, RD, F/J-A and F/J-B, located on both sides of Glenn Road south of the intersection with Jefferies Road in northeast Durham, PIN 0843-02-78-7463 (et al.) City Atlas Page 14, Block D-2 and C-2.

Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0.

**SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT – ABERNATHY
PLACE – CASE D03-677**

To approve a major site plan and preliminary plat for 28 two-story townhomes with garages, in six buildings, on a 4.648 acre portion of a 5.126 acre site with a buffer variation for reduction in shrubs in the northern buffer, proposed townhomes site is zoned PDR 6.024 and F/J-B, located on the northeast side of Barbee Chapel Road, west of

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Downing Creek Parkway and will be accessed via a new public street off of Barbee Chapel Road, PIN 9798-04-90-1481, City Atlas page 93, Block D-3.

Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0.

SUBJECT: MAJOR SITE PLAN - "DURHAM TECHNICAL COMMUNITY COLLEGE STUDENT SERVICES AND CLASSROOM BUILDING" - CASE D04-678

To approve a major site plan for 'Durham Technical Community College Student Services and Classroom Building', submitted by Haden-Stanziale, PA. on behalf of Durham Technical Community College, for 2 buildings with a total of 69,978 square feet on a +2.98 acre site zoned I-2, located at 1637 East Lawson Street, between Cooper and Lawson Streets, PIN number 0830-07-1037, 3047, City Atlas Page 30, Block B-2.

Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0.

SUBJECT: SITE PLAN AND PRELIMINARY PLAT – BRIGHTWOODS TRAILS – CASE D03-782

To approve a major site plan and preliminary plat for “Brightwoods Trails”, submitted by Bass, Nixon & Kennedy, Inc. on behalf of St. Lawrence Homes, for 339 single family detached units on a 146.9 acre site zoned PDR 3.99 and F/J-B, located on the south side of Sherron Road and east of Mineral Springs Road, PIN 0850-02-75-7790, 0850-02-85-9943, City Atlas Page 32, Block D-1.

Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0.

SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT FOR STONE HILL ESTATES SUBDIVISION – CASE D04-066

To approve a major site plan and preliminary plat for “Stone Hill Estates Subdivision”, submitted by R. L. Horvath Associates, Inc., on behalf of Durham Land Associates, LLC, for 184 single-family residential lots on an approximately 113.218 acre site zoned R-10(D) and the filling of 0.37% of the floodway fringe to allow for the construction of two dry detention ponds, located on the north side of NC Hwy. 98, west of Mineral Springs Road and south of Freeman Road, PIN 0851-01-37-0192, 0851-01-26-1898, 0851-01-27-6990, 0851-01-15-9118 and 0851-03-13-7599, City Atlas Page 26, Blocks A-1, B-1; Page 31, Block D-4; Page 32, Block A-4.

Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0.

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SUBJECT: PRELIMINARY PLAT FOR FALLKIRK SUBDIVISION – CASE D04-070

To approve a preliminary plat for “Fallkirk Subdivision”, submitted by Tony M. Tate Landscape Architecture, P.A., on behalf of Perimeters Developers, LLC, for 72 single-family clustered residential lots on an approximately 20.09 acre site zoned R-10, located on the east side of Cook Road, north of Juliette Drive and west of Baypoint Drive, PIN 0729-01-27-2043, 3063, 4063, 6013, 7053, 9023, 5362, 7321, 8372, 9382 (portion) 37-0383 (portion) and 0729-01-26-8753, City Atlas Page 37, Blocks A-1, B-1.

Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0)

SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT FOR GRANDALE SUBDIVISION – CASE D03-730

To approve a major site plan and preliminary plat for “Grandale Subdivision”, submitted by Priest, Craven and Associates, Inc., on behalf of Centex Homes, for 214 single-family residential lots on an approximately 135.21 acre site zoned PDR 1.66 and F/J-B, located on the west side of Grandale Drive and north of Scott King Road, PIN 0727-01-36-7805, City Atlas Page 50, Blocks B-1, B-2 and Page 55, Block B-4.

Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0.

SUBJECT: REVISIONS TO ADOPTED DEVELOPMENT PLAN AND MAJOR SITE PLAN APPROVAL – ERWIN TERRACE PHASE III – CASE D03-731

To approve a shift in the location of required pedestrian space, shown on the most recently approved development plan amendment for Erwin Terrace, and a site plan for Phase III with an increase in building height to five stories. Phase III consists of a 56,395 square foot office and retail building with a ground level parking garage for 30 cars and three bicycles, two drive-up windows and an automated teller machine. The project is proposed with a net gain of 60 motorized vehicle parking spaces (12 existing spaces will be removed) on a portion of a 9.7 acre site zoned MU(D), located on both sides of Lambeth Circle, northwest of Erwin Road and southwest of LaSalle Street, PIN 0812-19-51-4406, 0812-19-51-0374, City Atlas page 57, Block C-3.

Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0.

SUBJECT: STREET CLOSING – SET HEARING ON THE CLOSING OF 226.19 LINEAR FEET OF ARDMORE DRIVE (SC03-20)

August 2, 2004

MOTION by Council Member Stith seconded by Council Member Catotti to adopt a resolution to set a public hearing on the proposed closing of 226.19 linear feet of Ardmore Drive for August 16, 2004 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Resolution #9139

**SUBJECT: WATER & SEWER EXTENSION AGREEMENT AMENDMENT
WITH BEAZER HOMES, INC. - BEAZER HOMES, INC. -
SUMMER MEADOWS SUBDIVISION, PHASE 5**

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to enter into a Water and Sewer Extension Agreement Amendment with Beazer Homes, Inc. which serves Summer Meadows Subdivision, Phase 5 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: SETTING A PUBLIC HEARING TO CONSIDER ORDERING
PETITIONED IMPROVEMENT**

MOTION by Council Member Stith seconded by Council Member Catotti to accept a Certificate of Sufficiency from the Manager of Engineering for the following petition; and

To adopt a resolution setting a public hearing for August 16, 2004 to consider ordering the following improvement was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Sewer Main and Sewer Outfall on Brecknock Street from Pickett Road to Donnigale Avenue; Donnigale Avenue from Brecknock Street West to the West Property Line Tax Map 459-9-9; Donnigale Avenue from Brecknock Street East to the East Property Line Tax Map 459-9-2 and Brecknock Street Outfall from Brecknock Street West to Mud Creek Outfall.

**SUBJECT: SETTING A PUBLIC HEARING TO CONSIDER ORDERING
PETITIONED IMPROVEMENT - CURB, GUTTER AND PAVING
AND WATER AND SEWER LATERALS ON SWANSEA STREET**

August 2, 2004

MOTION by Council Member Stith seconded by Council Member Catotti to accept a Certificate of Sufficiency from the Manager of Engineering for the following petition; and

To adopt a resolution setting a public hearing for August 16, 2004 to consider ordering Curb, Gutter and Paving and Water and Sewer Laterals on Swansea Street from Sherbon Drive to North Property Line of Tax Map 254-2-1 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WORKFORCE INVESTMENT ACT (WIA) GRANT ADULT AND
 DISLOCATED WORKER CONTRACT – EMPLOYMENT
 SECURITY COMMISSION**

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a WIA Adult and Dislocated Worker contract with the Employment Security Commission in the amount of \$493,175; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WORKFORCE INVESTMENT ACT (WIA) GRANT ADULT AND
 DISLOCATED WORKER CONTRACT – DEPARTMENT OF
 SOCIAL SERVICES**

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a WIA Adult and Dislocated Worker contract with the Durham County Department of Social Services in the amount of \$477,290; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CONSTRUCTION OF FIRE STATION NO. 8 - PATRIOT
 BUILDING COMPANY, INC.**

August 2, 2004

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Patriot Building Company, Inc. in the amount of \$974,500, with a contingency of \$97,450 for a total cost of \$1,071,950; and

To authorize the City Manager, or her designee, to negotiate and execute change orders for the project provided that the total change order do not exceed \$97,450 and the total cost of the project does not exceed \$1,071,950; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: OPTIONAL RELOCATION ASSISTANCE POLICY FOR
DISPLACED BARNES AVENUE HOMEOWNERS**

To adopt an Optional Relocation Assistance Policy for displaced Barnes Avenue Homeowners in the Barnes Avenue Redevelopment Area.

Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0.

**SUBJECT: PROPOSED THREE-YEAR LEASE AGREEMENT BETWEEN
THE CITY OF DURHAM AND NORTH CAROLINA CENTRAL
UNIVERSITY**

MOTION by Council Member Stith seconded by Council Member Catotti to approve a three-year lease agreement with North Carolina Central University for the operation of the EVPIRC (Eagle Village Parental Information Resource Center) in the amount of \$16,000; and

To authorize the City Manager to execute the agreement; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: LOAN SERVICING AGREEMENT WITH AMERINATIONAL
COMMUNITY SERVICES, INC.**

August 2, 2004

To accept the proposal provided by AmeriNational Community Services, Inc. for servicing of the complete loan portfolio of the City of Durham, including but not limited to Residential Mortgage Loans, Developer Mortgage Loans, and Economic/Commercial Development Loans; and

To authorize the City Manager to execute a contract for a three year period with AmeriNational Community Services, Inc. in the amount not to exceed \$270,687; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0.

**SUBJECT: CONSTRUCTION MANAGER - CDBG PROGRAM FUNDING TO
DURHAM COMMUNITY LAND TRUSTEES, INC. - \$25,000**

MOTION by Council Member Stith seconded by Council Member Catotti to approve \$25,000 of Community Development Block Grant Funds for Durham Community Land Trustees Inc., to support the activities of a Construction Manager to improve the West End Communities; and

To execute an Sub-recipient Agreement and other related legal documents with Durham Community Land Trustees, Inc.; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CONTRACT FOR DOMESTIC VIOLENCE PROJECT AND
COMMUNITY LIFE COURT**

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a contract in the amount of \$75,000 with the Administrative Office of the Courts for the Domestic Violence Project and Community Court; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore

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Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: SAM'S CLUB GRANT AWARD, WAL-MART FOUNDATION

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to accept the Wal-Mart Foundation Grant by executing the grant documents; and

To adopt the City of Durham North Carolina and the Sam's Club/Wal-Mart Foundation – "Safe Neighborhood Heroes" Grant Project Ordinance in the amount of \$1,000 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12991

SUBJECT: AMENDMENT TO CONTRACT FOR THE DISTRICT ATTORNEY'S GANG PROSECUTION PROGRAM FOR THE CITY OF DURHAM – JAMES E. HARDIN, JR. – ADMINISTRATIVE OFFICE OF THE COURTS

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to amend the contract for the District Attorney's Gang Prosecution Initiative for the City of Durham in the amount of \$50,000; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: AUTHORIZE THE USE OF CONTROLLED SUBSTANCE TAX DISTRIBUTION FUNDS IN AN AMOUNT OF \$31,279 FOR THE PURCHASE OF NECESSARY EQUIPMENT TO BE USED IN POLICE INVESTIGATIONS

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to appropriate Federal Asset Forfeiture Funds in an amount not to exceed \$31,279 to purchase the items described in this request that are necessary to enhance police investigations in the Durham Police Department was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and

August 2, 2004

Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM INFORMATION INTEGRATION PROJECT GRANT
AWARD**

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to accept the Durham Information Integration Project Grant by executing the grant documents; and

To adopt the City of Durham North Carolina and the Department of Crime Control and Public Safety/Durham Information Integration Project Grant Project Ordinance FY 2004-2005 in the amount of \$230,000 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12992

SUBJECT: STREET ACCEPTANCE – FIELD OF DREAMS

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to accept Chelmsford Drive as listed for maintenance by the City of Durham was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Field of Dreams

Chelmsford Drive – from the centerline of Annandale Road east then south thru the cul-de-sac (718’).

**SUBJECT: AMENDMENTS TO ACS/NOVALIS SOFTWARE
IMPLEMENTATION CONTRACT**

To authorize the City Manager to execute an amendment to the City's Workflow Automation Project contract with ACS/Novalis, along with associated documents, to allow revisions to the project schedule; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

Note: This item was referred back to the Administration.

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**SUBJECT: NORTH DURHAM WATER RECLAMATION FACILITY –
DIGESTER GAS STORAGE FACILITIES - CRAIN AND DENBO,
INC.**

MOTION by Council Member Stith seconded by Council Member Catotti to adopt an ordinance amending Water-Wastewater Capital Improvement Project Ordinance, as amended, the same being ordinance #12973 re-allocating funds (\$674,973) from Water and Sewer Construction Fund Balance to the NDWRF Plant A Renovation Account; and

To authorize the City Manager to execute a contract with Crain and Denbo, Inc. for the NDWRF Digester Gas Storage Facility Project, in the amount of \$1,336,100 and to establish a contingency fund of \$66,805 for this project; and

To authorize the City Manager to execute change orders encountered during the construction of the project provided the total cost of all change orders does not exceed \$66,805 and the total project cost does not exceed \$1,402,905 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12993

SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY

To receive an Annual Update on Airport Activity.

Note: This item was postponed.

SUBJECT: OPPORTUNITY LOAN PROGRAM

MOTION by Council Member Stith seconded by Council Member Catotti to receive a report on the Opportunity Loan Program was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: N.C. LEAGUE OF MUNICIPALITIES REVERSE AUCTION

MOTION by Council Member Stith seconded by Council Member Catotti to receive a report on the use of the North Carolina League of Municipalities Reverse Auction Program was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro

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Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith.
Noes: None. Absent: None.

SUBJECT: LOAN PORTFOLIO

MOTION by Council Member Stith seconded by Council Member Catotti to receive a report on the Loan Portfolio; and

To receive a report on the Annual Reduction Loans was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: UPDATE ON BARNES AVENUE REDEVELOPMENT

MOTION by Council Member Stith seconded by Council Member Catotti to receive an update on Barnes Avenue Redevelopment was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: HOUSING REHABILITATION PROCEDURE AND GUIDELINE REVISIONS

MOTION by Council Member Stith seconded by Council Member Catotti to receive a report on the revised rehabilitation program procedures and guidelines beginning with FY 2004-2005 expenditures was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM OPEN SPACE AND TRAILS 2003 ANNUAL REPORT

MOTION by Council Member Stith seconded by Council Member Catotti to receive the Annual Report of the Durham Open Space and Trails Commission was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM POLICE DEPARTMENT MONTHLY CRIME REPORT
APRIL & MAY 2004**

MOTION by Council Member Stith seconded by Council Member Catotti to receive a presentation of the April and May 2004 Crime Report for the Durham Police Department

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was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: CAFÉ' FEED ME

To receive a report from the Administration on a request to serve alcohol on the patio on top of the parking garage at the Durham Center.

Note: This item was referred back to the Administration.

SUBJECT: PROFESSIONAL FIREFIGHTER OF DURHAM LOCAL 668

To adopt a resolution establishing a fee for a median permit under City Code Section 17-55.

Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0.
Resolution #9135

SUBJECT: LOCATIONS FOR HOT FOOD VENDORS

MOTION by Council Member Stith seconded by Council Member Catotti to receive a report from the Administration on the locations for Hot Food Vendors was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: JAMES DEVONE, SR.

MOTION by Council Member Stith seconded by Council Member Catotti to receive comments from James DeVone, Sr. regarding vehicles which are wrongfully removed from private property and to seek immediate compensation was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: REPORT ON THE STATUS OF THE AFFORDABLE HOUSING BOND FUNDS

To receive a report detailing the current state of the Affordable Housing Bond Funds.

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Note: This item was referred to the August 5, 2004 City Council Work Session.

SUBJECT: RESOLUTION TO THANK COMMUNITY PARTNERS FOR ASSISTANCE WITH INAUGURAL EXECUTIVE LEADERSHIP INSTITUTE

MOTION by Council Member Stith seconded by Council Member Catotti to adopt a “Resolution Thanking Central Carolina Bank for its Support of the Inaugural Executive Leadership Institute”; and

To adopt a “Resolution Thanking Duke University for its Support of the Inaugural Executive Leadership Institute”; and

To adopt a “Resolution Thanking Durham CAN (Congregations, Associations and Neighborhoods) for its Support of the Inaugural Executive Leadership Institute”; and

To adopt a “Resolution GlaxoSmithKline for its Support of the Inaugural Executive Leadership Institute”; and

To adopt a “Resolution Thanking IBM for its Support of the Inaugural Executive Leadership Institute” was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Resolution #9140

Resolution #9141

Resolution #9142

Resolution #9143

Resolution #9144

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: PRELIMINARY PLAT FOR CARILLON SUBDIVISION – CASE D04-081

To approve a major site plan and preliminary plat for “Carillon Subdivision”, submitted by The John R. McAdams Company, Inc. on behalf of D.R. Horton, for 163 single-family residential lots on an approximately 102.30 acre site zoned R-20 and a landscape variation to waive shrubs in buffers wider than 50 feet. The Development Review Board has recommended approval of this request, located on the east side of Randolph Road, north of Pickett Road and south of Stonegate Drive, PIN 0801-03-41-4803, 0801-03-31-2843, City Atlas Page 27, Blocks B-3, C-3.

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City/County Planning Director Frank Duke briefed Council on the staff report. He noted the applicant is asking for the ability to use the cluster provision of the Zoning Ordinance noting there is a reduction in lot size and for a variation in the landscape provisions to waive the requirement to provide shrubs in buffers that are wider than 50 feet. He noted with the exception of those two changes [clustering and landscape variation], the proposed development does meet all ordinance requirements and as a result staff is recommending approval.

Attorney Kenneth Spaulding, representing the applicant, spoke in support of this item. He made comments on the meetings the applicant had with neighborhoods in the area and other citizens. He noted the cluster development would be much more suitable to the area than following the previous approved straight R-20 development approach. He made comments indicating that there would be a reduction in density, an increase in open space, no lots in the stream/flood buffer, 50 feet buffer and no mass grading.

Britt Spivey, the applicant, urged Council to support the Carillon Subdivision plan. He discussed the plan highlighting the cluster development, open space, tree save area, buffer, density and outlined measures that have been taken to exceed what is required relative to working with the Historic Preservation Society on a plan to relocate the two homes on the property, preserving the existing cemetery and hiring someone to inspect tree protection measures throughout the life of the neighborhood.

Dr. Jacqueline Olich voiced qualified support for the development urging Council to postpone their decision or approve it contingent upon additional work with neighbors, developers and representatives of the City and Planning Commission to assist with traffic calming and a sidewalk integration plan.

The following individuals spoke in support of the Carillon development: Michael Novak, Karen Webbink and Joe Mitchell.

The following individuals spoke in opposition to the Carillon development urging Council to delay a decision on this item until some of the gestures noted by Attorney Spaulding and Mr. Spivey are conditioned on the site plan and the UDO is adopted. Also, they expressed notification, density, clear-cutting, traffic and air quality issues.

Lisa Cavanaugh, Wendy Jacobs, Emily Weinstein, Jan Tuchinsky, Thomas Struhsaker, and Jeff Fisher.

City/County Planning Director Frank Duke highlighted the proposed changes in the UDO relative to the traffic impact analysis for residential development, preservation of trees, traffic calming and sidewalk provisions.

Council held discussion on supporting the delay of this item to allow time for the applicant to meet with residents to discuss and include committed elements on the site plan relative to maintaining 24" caliper trees, protecting cemetery and the issue concerning farming structures.

August 2, 2004

MOTION by Council Member Clement seconded by Council Member Catotti to continue this item to the September 7, 2004 City Council Meeting was approved at 8:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: REVISED AGREEMENT BETWEEN MCKINNEY AND SILVER, LLC AND THE CITY OF DURHAM REGARDING JOB CREATION INCENTIVES IN A COMMUNITY DEVELOPMENT AREA - MCKINNEY & SILVER, LLC

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute a revised incentive agreement with McKinney & Silver, LLC to provide a maximum of \$100,000 in funds under the Economic Development Jobs Policy; and

To authorize the City Manager to extend the date of the incentive agreement from August to September 2005; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement was approved at 8:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN DURHAM POLICE DEPARTMENT AND DURHAM PUBLIC SCHOOLS FOR THE G.R.E.A.T. PROGRAM

Lavonia Allison spoke in support of this item and asked Council to clarify comments made at the Work Session relative to this item.

Council Member Catotti noted she raised concerns with the selection of students, use of officers and the curriculum for the G.R.E.A.T. Program and would like for these issues to be addressed by the Joint City/County Committee meeting where County Commissioners, Superintendent and the School Board members are present.

Council Member Brown noted we need a full analysis of the six components that make up school security and grants that are involved with the school safety issue.

August 2, 2004

MOTION by Council Member Clement seconded by Council Member Catotti to authorize the City Manager to execute the Memorandum of Understanding with the Durham Public Schools for FY 2004-2005; and

To authorize the City Manager to transfer \$57,000 to the Durham Public Schools to cover the costs to provide Sheriff's officers to schools was approved at 8:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: JOINT CITY/COUNTY COMMITTEE

To receive a report on the G.R.E.A.T Program and the Youth Advisory Board.

Note: No action was taken on this item.

SUBJECT: CREEKSIDE ELEMENTARY SCHOOL

Mayor Bell noted the Manager shared with him that the family had decided that they did not need the support of the City on this issue.

To authorize the City Manager to execute an extension agreement for water and/or sewer, at no cost to the City, with the standard extension terms as set forth in the extension terms as set forth in the attached extension agreement and the location of the sewer line as shown on "Attachment A," or in an alternate location if requested by the developer(s) or owner(s) and approved by the Public Works Director.

Note: This item was postponed.

SUBJECT: ANITA KEITH-FOUST

To receive comments from Anita Keith-Foust regarding neighborhood concerns.

Anita Keith-Foust read a statement dated August 2, 2004 for the record regarding investigation of City staff by themselves. She noted at the May 20th Work Session she asked for an independent outside investigation of the City staff involved in the old North Durham Park entrance sale.

Note: This item was moved to the August 5, 2004 Work Session.

SUBJECT: N.C. DEPARTMENT OF TRANSPORTATION MUNICIPAL AGREEMENT APEX STREET BRIDGE REPLACEMENT PROJECT B-4698 (CITY ATLAS PAGE 62, BLOCK C-1)

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The following individuals spoke in opposition to the opening of the Apex Street Bridge to vehicle traffic citing survey of community showed neighbors want less traffic, reduced cost and safer streets and Forest Hills Neighborhood Association requested that a pedestrian bridge be constructed rather than a vehicle bridge: Randy Pickle, Andy Seamans, Michael Gillespie, Rev. Laura Jones, Stephen Pogoloff, Becky Roberts and Jeff Hughes.

The following individuals spoke in support of opening the Apex Street Bridge to vehicle traffic citing racial, emergency vehicles, economical class issues: Melvin Whitley, Lavonia Allison, Rajendra Morey and Beart Truitt-Braswell.

Mayor Pro Tempore Cole-McFadden spoke in support of this item. She made comments on the action taken by Council in 2001 and noted she would like to see a more direct route to Forest Hills and the need to promote community and connectivity. Also, she noted she supports staff's recommendation with the understanding that the bridge would not be repaired unless traffic-calming measures are in place [Forest Hill and St. Theresa neighborhoods].

Council Member Brown provided his colleagues with a handout of abandon/boarded houses in the St. Theresa Neighborhood [South and Enterprise Streets]. He noted this is an issue of safety, transportation and children; therefore, he cannot support the opening of the Apex Street Bridge to vehicle traffic.

Lee Murphy, of the Transportation Department, noted the cost is \$600,000 with 80% paid for by the federal bridge replacement program with \$120,000 being the City's cost. He noted the estimated cost for sidewalks and speed humps in the area is \$150,000.

Council held discussion on traffic-calming measures.

Council Member Catotti noted she would be voting against this item citing issues relative to pedestrian safety and quieter streets.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to adopt a resolution authorizing the City Manager to execute a Municipal Bridge Agreement for Project B-4698 Apex Street Bridge Replacement with appropriate traffic calming devices **FAILED** at 9:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Member Clement. Noes: Council Members Best, Brown, Catotti and Stith. Absent: None.

Note: Further discussion was held on this item later in the meeting.

[GENERAL BUSINESS AGENDA]

SUBJECT: DURHAM PLANNING COMMISSION RULES OF PROCEDURE

August 2, 2004

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to review and receive the Durham Planning Commission Rules of Procedure was approved at 9:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: BARNES AVENUE HOMEOWNERSHIP PURCHASE PROGRAM
SECOND MORTGAGE LOAN GUIDELINES**

Council Member Best expressed concern about the cost of homes.

MOTION by Council Member Clement seconded by Council Member Stith to approve the Barnes Avenue Homeownership Purchase Program Second Mortgage Loan Guidelines to assist 47 families with second mortgages, for the total amount not to exceed \$1,250,000; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 10:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Stith. Noes: Council Member Best. Absent: None.

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

**SUBJECT: LAND USE PLAN AMENDMENT – ARDMORE (A03-19) – LEE C.
VENTURA – NORTH OF MARTIN LUTHER KING, JR.
PARKWAY, NORTHWEST OF INTERSECTION - S. ROXBORO
STREET**

To receive public comments on Plan Amendment (A03-19 - Ardmore); and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the South Durham Plan from Medium Density Residential to Commercial.

Planning Department Recommendation: Approval
Planning Commission Recommendation: Denial (11-1)

City/County Planning Director Frank Duke briefed Council on the staff report. He made comments on the infrastructure, school impacts and noted staff is recommending approval and the Planning Commission recommended denial.

August 2, 2004

Mayor Bell opened the public hearing.

Proponents

Attorney Kenneth Spaulding, representing the applicant, spoke in support of this plan amendment. He noted the proposal is consistent with the South Durham Plan and urged Council to support this item.

Lee Ventura, the developer, asked Council to support the plan amendment.

Mike Shiflett, 1308 Broad Street, spoke in favor of this project urging Council to support the small area plan amendment and let this vision come true.

Shelia Holman Leak spoke in support of this item noting this proposal would be positive for the area.

Opponent

Kenneth Lofton, of 612 Ardmore, spoke in opposition to this plan amendment expressing noise concerns. He urged Council to oppose this item until it is determined how much noise will affect his home.

Rebuttal

Attorney Spaulding noted the applicant clearly understands what Mr. Lofton is saying and will keep in touch with him.

Council Member Stith made comments on the issue of noise mitigation and asked what is the plan for MLK.

Lee Ventura, the developer, made comments on the buffer.

City/County Planning Director Frank Duke noted the land use plan for MLK would be to have commercial at the intersections and minimizing curb cuts.

Mayor Bell declared the public hearing closed.

MOTION by Council member Stith seconded by Council Member Best to receive public comments on Plan Amendment (A03-19 - Ardmore); and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the South Durham Plan from Medium Density Residential to Commercial was approved at 10:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

August 2, 2004

Resolution #9145

MOTION by Council Member Best seconded by Council Member Stith to extend the meeting beyond 10:00 p.m. was approved at 10:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: TEXT AMENDMENT – SIGN STANDARDS IN THE DOWNTOWN DESIGN OVERLAY AND GENERAL SIGN STANDARDS (TC03-13)

To receive public comments on Zoning Text Amendment TC 03-13 (Sign Standards in the Downtown Design Overlay and General Sign Standards); and

To adopt an ordinance amending the Zoning Ordinance to incorporate the changes proposed by TC 03-13.

Planning Department Recommendation: Denial

Zoning Committee Recommendation and Vote: Approval – 3-2

City/County Planning Director Frank Duke briefed Council on this item noting University Ford was issued a notice of zoning violation for the height of the sign. He noted this item was continued in May and June because the City was looking at alternatives for dealing with maintenance of right-of-way of the Durham Freeway and the issue is still not resolved. He noted staff is recommending denial and the Zoning Committee recommended approval.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

A motion was made by Council Clement to approve the item as printed on the agenda. Motion dies for a lack of second.

Council Member Catotti noted she will not be supporting the text amendment since the Joint City/County Planning Commission in January noted it was unfair since all other downtown property owners in the downtown area had to come into compliance.

Frank Duke noted Mark Greenspan had indicated last week at this point-- NCDOT has indicated that they're not prepared to give the City maintenance responsibility for that right-of-way.

Assistant City Manager Laisure noted it appears that there will be a favorable resolution surrounding the maintenance issue.

August 2, 2004

Patrick Byker noted we have been working with Mark Greenspan, Mike Hill and American Tobacco to try to bring about a resolution where Capital Broadcasting would have the permit to clean up the right-of-way and we are still working on a resolution.

Council Member Clement spoke in support of continuing this item until issues have been resolved.

MOTION by Council Member Clement seconded by Council Member Stith to continue the public hearing on this item until the September 20, 2004 City Council Meeting until all issues [maintenance of ROW] have been satisfactorily resolved was approved at 10:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM HISTORIC LANDMARK DESIGNATION ORDINANCE
OF THE FORMER LIGGETT AND MEYERS TOBACCO
COMPANY COMPLEX – WEST**

To receive public comments; and

To adopt an ordinance designating as a historic landmark the former Liggett and Myers Tobacco Company Complex - West Village Expansion.

City/County Planning Director Frank Duke asked Council to opened the public hearing and continue this item to the August 16, 2004 City Council Meeting.

Mayor Bell opened the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to continue the public hearing on this item until the August 16, 2004 City Council Meeting was approved at 10:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: REZONING – INFINITY HEIGHTS (P04-19) – PARK LAND
DEVELOPMENT, LLC – NORTH SIDE OF INFINITY ROAD,
EAST OF ROXBORO ROAD AND WEST OF STEPHENS LANE**

To receive public comments on rezoning Case P04-19 (Infinity Heights); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-19 out of R-20; E-B and placing same in and establishing same as PDR 3.65; E-B.

Planning Department Recommendation: Approval

August 2, 2004

Zoning Committee Recommendation and Vote: Denial - (7-0)

Relative to a request received, Council Member Clement requested that this item be continued for two cycles to allow discussions to continue between the neighbors and the developer.

City/County Planning Director Frank Duke briefed Council on the staff report highlighting the following committed elements on page 2: dwelling units, lot size, pod A, B, C [lot size/density], building height, tree save area, open space, sidewalk along Infinity Road frontage, nature trail, dedication of 20 feet of right-of-way along Infinity Road frontage and construction of left turn lane at site entrance on Infinity Road. He noted proposal is consistent with the Lebanon Township Plan, it meets environmental requirements, Roxboro Road is well overcapacity and there is capacity in the school system to accommodate students generated for this development. Mr. Duke noted staff is recommending approval and the Zoning Committee recommended denial.

Mayor Bell opened the public hearing.

Proponent

Patrick Byker, representing the applicant, spoke in support of this rezoning matter. He noted comments on the density, land use plan/map, homes that will be very attracted to individuals working in the Treyburn Corporate Park and the former Mitsubishi plant. He noted the developer had a meeting with representatives of Steven's Woods neighborhood and the main concerns expressed were density and the future extension of Grist Mill Lane. We along with the neighbors from Steven's Woods would like to ask the Council to look at future extension of Grist Mill Lane to make sure this road does not become a dangerous cut through off of Roxboro Road through established neighborhoods. He urged Council to approve this rezoning request.

Council Member Clement asked the applicant to work with NCDOT to get the traffic light at Infinity Road and Roxboro Road recycled at shorter intervals to facilitate the flow of traffic.

Patrick Byker noted that he would be happy to make an inquiry.

Opponents

Michael Reidy, of 501 Grist Mill Lane, spoke in opposition to this rezoning request. He noted he is not oppose to developing this land under the current zoning and sees no benefit to the City and none to the neighbors living near this proposed development to recommend this zoning change. Also, he expressed density, traffic and quality of life issues and urged Council to support the Zoning Committee's denial.

Carrie Pinkham-Reidy, of 501 Grist Mill Lane, spoke in opposition to this request noting it would take away the neighborhood. She submitted a petition from the Steven's Woods

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Neighborhood asking Council to uphold what the Zoning Commission did in voting against this change.

Lyle McGuire, of 510 Grist Mill Lane, spoke in opposition to this rezoning request citing density, supply and demand for housing in Durham concerns.

David Wiehle, of 4911 Stephens Lane, spoke against this rezoning expressing traffic concerns. He urged Council to uphold the Zoning Committee's decision to maintain the current zoning.

Chris Wratney, of 600 Flagstone Way, stated he opposed the rezoning for this item for three reasons related to quality of life.

Rebuttal

Patrick Byker, representing the applicant, addressed the road capacity on Roxboro Road, density issue and supply and demand of housing. He noted this project is a good fit, would be an increase in property tax revenue for the City based on the what the current zoning would allow and would be in the best interest of the City of Durham as a whole.

Mayor Bell declared the public hearing closed.

Council Member Stith made comments on the appropriateness of the development.

City/County Planning Director Frank Duke briefed council on the plan for this area making comments on the low density development. He noted the proposed density of this project is low density and not high density.

Carrie Reidy noted at the Zoning Meeting the developers came with a plan that was unanimously turned down and since that time they have made no changes. She noted we are not opposed to development but don't understand the need for such density and they have not offered any talks about putting in sidewalks. She asked that the proposal be kept more in the tradition of the Lebanon Township so that our children can have a safe place to play and would like to see a park and lots of open space.

Council Member Best spoke in support of deferring this item. Also, he expressed concern with the issue of density.

City/County Planning Director Frank Duke noted the subdivision ordinance would require the extension of Grisk Mill Lane. He noted the developer would have to show that extension in order to get a favorable recommendation from staff.

Council Member Catotti raised concerns with density, lots in floodplain, traffic impacts and road capacity. She noted that she could not support this item the way it looks now.

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Council Member Brown suggested that the neighborhood and developer get together to see if a compromise can be reached.

Council Member Clement spoke in support of a park being a part of this process. Also, he asked if the developer and neighborhood groups are willing to continue discussion for 30 days.

A representative from the neighborhood noted he would like to come up with a plan; unfortunately, any compromise would require a new rezoning request.

Relative to a new rezoning request, City/County Planning Director Frank Duke noted it would depend on how extensively they reduce the density. He briefed Council on Section 15.3.6 of the Zoning Ordinance that deals with the decrease of density up to 20% without going back to the Zoning Committee for a new public hearing.

Patrick Byker, representing the applicant, noted he would be willing to continue discussions on this item and would review the park issue.

Mayor Pro Tempore Cole-McFadden noted she could not support the project as recommended.

MOTION by Council Member Clement seconded Council Member Stith to continue this item to the September 20, 2004 City Council Meeting was approved at 11:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: ORDERING IMPROVEMENT UNDER E.A.A. - SEWER MAIN ON MAYO STREET

Lee Murphy, of the Public Works Department, made comments on this item.

Mayor Bell opened the public hearing.

Angenett Pierce, of 205 Archdale Drive, noted she owns property on 816 Mayo Street and the septic system has failed. She stated she talked with Mr. Steve Burton and he said there is sewage line going north of property within 70 feet that they can backup and hookup to her property at her expense if it is approved. She noted the house is flooding and the only relief would be to get an emergency hookup.

Lee Murphy, of the Public Works Department, noted the City will move forward with the sewer main extension; however, if an emergency backup connection was explained to be available –we could move forward if the staff member said it was available.

Mayor Bell declared the public hearing closed.

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MOTION by Council Member Stith seconded by Council Member Clement to receive public comments; and

To adopt a resolution ordering a Sewer Main on Mayo Street - from Tax Map 603-2-1 to South Property Line of Tax Map 603-2-2 was approved at 11:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: INITIAL ZONING CASE P04-15 - JUNCTION ROAD – DURHAM COUNTY HABITAT FOR HUMANITY – WRENN ENGINEERING - EAST SIDE OF JUNCTION, NORTH OF DODSON STREET AND SOUTH OF CHEEK ROAD

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Catotti to receive public comments on initial zoning Case P04-15 (Junction Road – Habitat for Humanity); and

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish R-8, R-20, I-2; F/J-B zoning for the property described in the staff report was approved at 11:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: STREET CLOSING (SC04-02) – A 185.88’ LONG PORTION OF CATALPA DRIVE – ANNIE WOODY, CATALPA, SOUTH OF CHEEK ROAD AND WEST OF ELLINGTON STREET

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Catotti to receive public comments on Catalpa Drive (SC04-02); and

To adopt an ordinance permanently closing a 185.88’ long portion of Catalpa Drive was approved at 11:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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**SUBJECT: INITIAL ZONING (P03-42) – ELLERBEE CREEK PRESERVE
SUBDIVISION – E.T. DEVELOPMENT CORP AND DUANE K.
STEWART AND ASSOCIATES, INC. – SOUTH SIDE OF
HAMLIN ROAD, BETWEEN RILEY DRIVE AND INDUSTRIAL
DRIVE**

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

Council Member Catotti noted she received communication from constituents who had concerns about the name [Ellerbee Creek Preserve] of this subdivision and requested that the applicant prior to planning consider a name change.

MOTION by Council Member Stith seconded by Council Member Brown to receive public comments on initial zoning Case P03-42 (Ellerbee Creek Preserve Subdivision); and

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish PDR 2.08 F/J-B zoning for the property described in the staff report was approved at 11:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING (P03-62) - GM SMART-GREEN PROPERTY –
GM SMART FAMILY LIMITED PARTNERSHIP, WILLIAM &
ISABEL GREEN AND COULTER, JEWELL, THAMES, P.A. –
NORTHWEST CORNER OF FARRINGTON ROAD AND
CLEORA DRIVE, NORTH OF NC 54**

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Catotti seconded by Council Member Stith to receive public comments on initial zoning Case P03-62 (GM Smart-Green Property); and

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish R-20; MTC, F/J-B zoning for the property described in the staff report was approved at 11:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING (P03-63) – GRANDALE DRIVE – CENTEX
HOMES AND WOMBLE, CARLYLE, SANDRIDGE AND RICE**

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**LLC – WEST SIDE OF GRANDALE DRIVE, WEST END OF
HAMILTON WAY, EAST END OF FENWICK PARKWAY**

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

Council Member Stith disclosed that he lives near this site and the Mayor noted the same.

MOTION by Council Member Stith seconded by Council Member Catotti to receive public comments on initial zoning Case P03-63 (Grandale Drive-Centex Homes); and

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish PDR 1.66; F/J-B zoning for the property described in the staff report was approved at 11:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING (P03-73) – ROBERTS PROPERTY – BRYANT
AND DEBORAH ROBERTS, AND CREDLE ENGINEERING CO.
INC. – SOUTH SIDE OF WAKE FOREST HIGHWAY, NORTH
SIDE OF NORTHLAKE DRIVE, WEST OF NICHOLS FARM
ROAD**

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Brown to receive public comments on initial zoning Case P03-73 (Roberts Property); and

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish RD; R-20 F/J-B zoning for the property described in the staff report was approved at 11:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING (P04-12) – PAGE ROAD CAR WASH - TICON,
INC. AND RL HORVATH AND ASSOCIATES, INC. – WEST SIDE
OF PAGE ROAD EXTENSION, NORTHOFF PAGE ROAD AND
SOUTH OF HWY 70**

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

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MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on initial zoning Case P04-12 (Page Road Car Wash); and

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish I-2 zoning for the property described in the staff report was approved at 11:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: INITIAL ZONING P04-14 – PEARL KNOLL – HAIRSTON BUILDERS, LLC – NORTH SIDE OF CLAYTON ROAD, BETWEEN CHEEK ROAD AND HURLEY ROAD

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on initial zoning Case P04-14 (Pearl Knoll); and

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish RD; R-20; F/J-B zoning for the property described in the staff report was approved at 11:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: INITIAL ZONING (P04-18) – THE LANDINGS AT AMERICAN VILLAGE – RHEIN INTERESTS OF RALEIGH, LLC AND MOORE AND ALPHIN, PLLC – WEST OF AMERICAN DRIVE, SOUTH OF NEAL ROAD

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Clement to receive public comments on initial zoning Case P0-18 (The Landings at American Village); and

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish R-20 zoning for the property described in the staff report was approved at 11:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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**SUBJECT: INITIAL ZONING (P04-17) – KENDRICK ESTATES –
RANDOLPH ROAD – KENDRICK ESTATES INVESTMENT
CORPORATION AND JOHN R. MCADAMS COMPANY – EAST
SIDE OF RANDOLPH ROAD, NORTH OF PICKETT ROAD AND
SOUTH OF STONEGATE DRIVE**

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Brown to receive public comments on initial zoning Case P04-17 (Kendrick Estates - Randolph Road); and

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish R-20 zoning for the property described in the staff report was approved at 11:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING (P04-25) - RUCKER-HINING/CHILDREN'S
CAMPUS AT SOUTHPOINTE – RUCKER-HINING PROPERTIES,
LLC AND COULTER, JEWELL, THAMES PA – SOUTH EAST
CORNER OF FAYETTEVILLE ROAD AND MASSEY CHAPEL
ROAD**

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Clement to receive public comments on initial zoning Case P04-25 (Rucker-Hining/Children's Campus at SouthPointe); and

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish RD; F/J-B zoning for the property described in the staff report was approved at 11:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: REVIEW OF GRANT FUND ALLOCATION
RECOMMENDATION AND ADOPTION OF PROPOSED GRANT
PROJECT ORDINANCE AS PART OF THE U.S. DEPARTMENT
OF JUSTICE 2004 LOCAL LAW ENFORCEMENT BLOCK
GRANT REQUIRED PUBLIC FUNDS APPROPRIATION**

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To conduct a public hearing and receive public comments on the U.S. Department of Justice Grant Award; and

To authorize the City Manager to accept the U.S. Department of Justice Grant Award in the amount of \$74,817; and

To adopt the U.S. Department of Justice, Bureau of Justice Assistance, 2004 Local Law Enforcement Block Grant Project Ordinance.

***Note: This item was approved at the 7/22/04 Work Session with a vote of 7/0.
Ordinance #12990***

**SUBJECT: SEWER MAIN ON YORKSHIRE DRIVE FROM SOUTH
PROPERTY LINE OF TAX MAP 768-2-6B TO NORTH
PROPERTY LINE OF TAX MAP 768-2-6 – MINI ASSESSMENT
ROLL**

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

A. Property of George L. and Martha Zeman

MOTION by Council Member Stith seconded by Council Member Clement to find that the property of George L. and Martha Zeman, identified as Tax Map 768-2-7, 3513 Cole Mill Road, Yorkshire Drive side, has not benefited from the sewer main improvement at this time and to relieve the assessment in the amount of \$4,982.78 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the sewer service (in accordance with City policy) was approved at 11:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

B. Property of Nunzio J. Sanfilippo

MOTION by Council Member Stith seconded by Council Member Clement to reconsider the assessment against the property of Nunzio J. Sanfilippo; and

To find that the property of Nunzio J. Sanfilippo, identified as Tax Map 768-2-7B, Yorkshire Drive, part of Lot 3, has not benefited from the sewer main improvement at this time and to relieve the assessment in the amount of \$2,895.20 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the sewer service (in accordance with City policy) was approved at 11:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

August 2, 2004

**SUBJECT: WATER MAIN ON YORKSHIRE DRIVE FROM SOUTH
PROPERTY LINE OF TAX MAP 768-2-6B TO NORTH
PROPERTY LINE OF TAX MAP 768-2-6 – MINI ASSESSMENT
ROLL**

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

A. Property of George L. and Martha Zeman

MOTION by Council Member Stith seconded by Council Member Brown to find that the property of George L. and Marth Zeman, identified as Tax Map 768-2-7, 3513 Cole Mill Road, Yorkshire Drive side, has not benefited from the water main improvement at this time and to relieve the assessment in the amount of \$3,132.03 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the water service (in accordance with City policy) was approved at 11:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

B. Property of Nunzio J. Sanfilippo

MOTION by Council Member Stith seconded by Council Member Brown to reconsider the assessment against the property of Nunzio J. Sanfilippo; and

To find that the property of Nunzio J. Sanfilippo, identified as Tax Map 768-2-7B, Yorkshire Drive, part of Lot 3, has not benefited from the water main improvement at this time and to relieve the assessment in the amount of \$1,819.84 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the water service (in accordance with City policy) was approved at 11:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: N.C. DEPARTMENT OF TRANSPORTATION MUNICIPAL
AGREEMENT APEX STREET BRIDGE REPLACEMENT
PROJECT B-4698 (CITY ATLAS PAGE 62, BLOCK C-1)**

Mayor Bell noted action has been taken on this item earlier in the meeting and asked his colleagues if they would consider making the Apex Street Bridge as a pedestrian walkway.

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Council Member Best spoke in support of the Mayor's suggestion and asked that there be some type of historical marker at the site.

MOTION by Council Member Stith seconded by Council Member Brown to direct the administration to develop the Apex Street Bridge area as a pedestrian walkway was approved at 11:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Mayor Bell announced a Special City Council Meeting has been scheduled for Thursday, August 5, 2004 at 12:00 noon for the purpose of continuing the discussion on the negotiations on the City Manager's separation agreement and for the consideration of an Interim City Manager.

There being no further business to come before the City Council, the meeting was adjourned at 11:41 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk